

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RONALD O. RILEY,

Plaintiff,

-v-

11-CV-6512T
ORDER

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Plaintiff Ronald O. Riley, represented by counsel, seeks permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. The Court directed plaintiff to submit an application on this Court's *in forma pauperis* form (Docket # 4). Plaintiff has again completed a form other than this Court's and has supplied even less information than on the first.

Plaintiff's first application indicated that he has no current income, yet he provides half of the support for his dependent daughter "B. R.", with whom he and his wife live. Plaintiff provided no information regarding his wife's income. He, therefore, provided no information to explain how he supports himself. Plaintiff's second application again indicates that he has no current income, and that he supports B. R., and indicates that his only regular monthly expense is RG&E, but again, does not provide information as to how he supports himself. The Court is, therefore, not in a position to address whether plaintiff qualifies for poor person status.

Plaintiff is represented by counsel, who, pursuant to Federal Rule of Civil Procedure 11(b), certifies the information "to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances...." Plaintiff may have one final opportunity to comply with this Court's Order to provide an application that is filled out completely and accurately on **this** Court's form. Plaintiff may have until **November 23, 2011** to submit a new application which includes all the necessary information, including the additional information described above.

The Clerk of the Court is directed to **again** send plaintiff a new form application to proceed as a poor person and **plaintiff is directed to use this form and this form only** and complete the form completely and accurately.

By **December 23, 2011**, plaintiff must either submit a newly-completed application form which includes all of the above-described additional information needed for the Court's determination of the request or pay the full filing fee of \$350.00. Plaintiff is forewarned that failure to comply with this order by either submitting a new and complete application or paying the filing fee by the designated date will result in the dismissal of this case without prejudice.

SO ORDERED.

S/ MICHAEL A. TELESKA
MICHAEL A. TELESKA
United States District Judge

Dated: November 16, 2001
Rochester, New York